

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pac-West Telecomm, Inc.,

Complainant,

vs.

AT&T Communications of California, Inc.,
Teleport Communications Group of San
Francisco, Teleport Communications Group of
Los Angeles, Teleport Communications Group of
San Diego,

Defendants.

Case 04-10-024
(Filed October 20, 2004)

TO: ALL PARTIES OF RECORD IN THE ABOVE-CAPTIONED PROCEEDING

NOTICE OF AVAILABILITY

The presiding officer's decision (POD) of ALJ McKenzie has been made available at http://www.cpuc.ca.gov/PUBLISHED/COMMENT_DECISION/49646.htm on September 19, 2005. The POD grants the complaint of Pac-West Telecomm, Inc. and awards it \$7.115 million in unpaid tariff charges owed by defendant AT&T Communications of California, Inc. (AT&T). However, the POD holds that AT&T is not liable for interest and late charges on these unpaid tariff amounts.

Any recipient of this Notice of Availability who is not receiving service by electronic mail in this proceeding or who is unable to access the link to the Commission's web site given above may request a paper copy of the presiding officer's decision from the Commission's Central Files Office, at (415) 703-2045; fax number (415) 703-2263; e-mail cen@cpuc.ca.gov.

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Any party to this adjudicatory proceeding may file and serve an Appeal of the presiding officer's decision within 30 days of the date of issuance (i.e., the date of mailing) of this decision. In addition, any Commissioner may request review of the presiding officer's decision by filing and serving a Request for Review within 30 days of the date of issuance.

Appeals and Requests for Review must set forth specifically the grounds on which the appellant or requestor believes the presiding officer's decision to be unlawful or erroneous. The purpose of an Appeal or Request for Review is to alert the Commission to a potential error, so that the error may be corrected expeditiously by the Commission. Vague assertions as to the record or the law, without citation, may be accorded little weight.

Appeals and Requests for Review must be served on all parties and accompanied by a certificate of service. Any party may file and serve a Response to an Appeal or Request for Review no later than 15 days after the date the Appeal or Request for Review was filed. In cases of multiple Appeals or Requests for Review, the Response may be to all such filings and may be filed 15 days after the last such Appeal or Request for Review was filed. Replies to Responses are not permitted. (See, generally, Rules 2.3 and 2.3.1 (governing service) and Rule 8.2 of the Commission's Rules of Practice and Procedure, accessible at <http://www.cpuc.ca.gov/PUBLISHED/RULES PRAC PROC/44887.htm>.)

If no Appeal or Request for Review is filed within 30 days of the date of issuance of the Presiding Officer's Decision, the decision shall become the decision of the Commission. In this event, the Commission will designate a decision number and advise the parties by letter that the Presiding Officer's Decision has become the Commission's decision.

Dated September 19, 2005, at San Francisco, California.

/s/ ANGELA K. MINKIN by LTC
Angela K. Minkin, Chief
Administrative Law Judge